



Town and Country Planning Act 1990

1990 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Revocation and modification of planning permission [^{F1}or permission in principle]

Textual Amendments

- F1** Words in s. 97 cross-heading inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 24](#); S.I. 2016/733, reg. 3(d)

- 97** **Power to revoke or modify planning permission [^{F2}or permission in principle].**
- (1) If it appears to the local planning authority that it is expedient to revoke or [^{F3}modify—
- (a) any permission (including permission in principle) to develop land granted on an application made under this Part, or
 - (b) any permission in principle granted by a development order,
- the authority] may by order revoke or modify the permission to such extent as they consider expedient.
- (2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.
- (3) The power conferred by this section may be exercised—
- (a) [^{F4}in the case of planning permission that] relates to the carrying out of building or other operations, at any time before those operations have been completed;
 - (b) [^{F4}in the case of planning permission that] relates to a change of the use of any land, at any time before the change has taken place.

Status: Point in time view as at 12/10/2018.

Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Revocation and modification of planning permission or permission in principle is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The revocation or modification of [^{F5}planning permission] for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.
- (5) References in this section to the local planning authority are to be construed in relation to development consisting of the winning and working of minerals as references to the mineral planning authority, ^{F6} . . .
- ^{F7}(6) Part II of Schedule 5 shall have effect for the purpose of making special provision with respect to the conditions that may be imposed by an order under this section which revokes or modifies permission for development—
- (a) consisting of the winning and working of minerals; or
 - (b) involving the depositing of refuse or waste materials.]

Textual Amendments

- F2** Words in s. 97 heading inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 25\(2\)](#); S.I. 2016/733, reg. 3(d)
- F3** Words in s. 97(1) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 25\(3\)](#); S.I. 2016/733, reg. 3(d)
- F4** Words in s. 97(3)(a)(b) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 25\(4\)](#); S.I. 2016/733, reg. 3(d)
- F5** Words in s. 97(4) substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\), s. 216\(3\), Sch. 12 para. 25\(5\)](#); S.I. 2016/733, reg. 3(d)
- F6** Words in s. 97(5) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), ss. 21, 84\(6\), Sch. 1 para. 4, Sch. 19, Pt.I \(with s. 84\(5\)\)](#); S.I. 1991/2067, art. 3, [Sch.1](#) (subject to art. 4)
- F7** S. 97(6) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 21, Sch. 1 para.4](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

98 Procedure for s. 97 orders: opposed cases.

- (1) Except as provided in section 99, an order under section 97 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where a local planning authority submit such an order to the Secretary of State for confirmation, they shall serve notice on—
 - (a) the owner of the land affected,
 - (b) the occupier of the land affected, and
 - (c) any other person who in their opinion will be affected by the order.
- (3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the local planning authority.
- (5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.
- (6) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

Status: Point in time view as at 12/10/2018.

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99 Procedure for s. 97 orders: unopposed cases.

- (1) This section applies where—
 - (a) the local planning authority have made an order under section 97; and
 - (b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.
- (2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—
 - (a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
 - (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).
- (4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.
- (5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).
- (6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.
- (7) If—
 - (a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
 - (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 98(1).
- (8) This section does not apply—
 - (a) to an order revoking or modifying a planning permission [^{F8}or permission in principle] granted or deemed to have been granted by the Secretary of State [^{F9}or the Welsh Ministers] under this Part or Part VII, or
 - (b) to an order modifying any conditions to which a planning permission is subject by virtue of section 91 or 92.

Textual Amendments

F8 Words in s. 99(8)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 26](#); S.I. 2016/733, reg. 3(d)

F9 Words in s. 99(8)(a) inserted (6.9.2015 for specified purposes, 1.3.2016 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 4 para. 12](#); S.I. 2016/52, art. 3(e)

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100 Revocation and modification of planning permission [^{F10}or permission in principle] by the Secretary of State.

- (1) If it appears to the Secretary of State that it is expedient that an order should be made under section 97, he may himself make such an order.
- (2) Such an order which is made by the Secretary of State shall have the same effect as if it had been made by the local planning authority and confirmed by the Secretary of State.
- (3) The Secretary of State shall not make such an order without consulting the local planning authority.
- (4) Where the Secretary of State proposes to make such an order he shall serve notice on the local planning authority.
- (5) The notice shall specify the period (which must not be less than 28 days from the date of its service) within which the authority may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (6) If within that period the authority so require, before the Secretary of State makes the order he shall give the authority such an opportunity.
- (7) The provisions of this Part and of any regulations made under this Act with respect to the procedure to be followed in connection with the submission by the local planning authority of any order under section 97 and its confirmation by the Secretary of State shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order and its making by him.
- ^{F11}(8) Subsections (5) and (6) of section 97 apply for the purposes of this section as they apply for the purposes of that.]

Textual Amendments

- F10** Words in s. 100 heading inserted (E.) (27.3.2017) by [The Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017 \(S.I. 2017/276\)](#), regs. 1, [3\(5\)](#)
- F11** S. 100(8) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 21, [Sch. 1 para.5](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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